

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

<p>ELEANOR TEDONE</p> <p>Plaintiff,</p> <p>-against-</p> <p>H.J. HEINZ COMPANY, OWENS-ILLINOIS, INC. d/b/a OWENS-BROCKWAY GLASS CONTAINERS and MGM MIRAGE INC. d/b/a BORGATA HOTEL CASINO SPA,</p> <p>Defendants.</p>	<p>7:07-cv-04111 (KMK) (MDF)</p> <p><u>REVISED CIVIL CASE MANAGEMENT PLAN</u></p>
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REVISED CIVIL CASE MANAGEMENT PLAN

1. This case is to be tried to a jury.
2. Initial disclosure pursuant to Fed.R.Civ.P.26(a)(1) have been exchanged or shall be exchanged by **August 1, 2007**, which is within 30 days after service on the last defendant to be served between Plaintiff and all parties. Plaintiff is awaiting copies from defendants Heinz and Owens Glass.
3. No additional parties may be joined after **Tuesday April 1, 2008**.
4. No pleading may be amended after **Tuesday April 28th, 2008**.
5. All discovery, *including expert discovery*, must be completed on or before **Wednesday June 30th 2008**. (For personal injury, civil rights, employment discrimination, or medical malpractice cases only): Plaintiff's deposition shall be taken first, and shall be completed by **Wednesday January 30, 2008**. (In other types of cases

the depositions will proceed in whatever order they are noticed and there is no requirement for plaintiff's deposition to take place first). PLEASE NOTE: the phrase "all discovery , including expert discovery" means that the parties must select and disclose their experts' identities and opinions, as required by Fed.R.Civ.P. 26(a)(2)(B), *well before* the expiration of the discovery period. Expert disclosure conforming with Rule 26 of all information, excluding expert reports, must be made no later than **Wednesday April 30th, 2008**, and will be made simultaneously, **however each side shall have an opportunity to notice a rebuttal expert up to Friday May 30th, 2008**. Disclosures of the initial expert reports must be made no later than **Friday May 30th, 2008**. Expert depositions must completed by **Monday June 30th, 2008**. Supplemental expert reports, if any, must be exchanged no later than **Monday July 14th, 2008**.

6. The following discovery is necessary in order for the parties to be able to consider settlement prior to the completion of all discovery: Medical records, Incident/Accident Reports, Defense Fact Witnesses, and it will be completed no later than **Wednesday April 30th, 2008**, after which the parties may request a settlement conference.

7. Any *in limine* motions, as well as proposed *voir dire* questions and proposed jury instructions, shall be served and filed no later than 60 days after the close of discovery. No pretrial order will be required unless specifically ordered by the court.

8. No motion for summary judgment may be served after the date the pre-trial submissions are due. *The filing of a motion for summary judgment does not relieve the parties of the obligation to file the pre-trial submissions on the assigned date in the absence of an Order providing relief.* Any opposition to a summary judgment motion

shall be served and filed no later than 60 days after service of the motion: reply papers, if any, shall be served and filed no later than 10 days after service of the opposition. Page limits for such motions are governed by the designated Magistrate Judge's individual practices.

9. Discovery disputes will be resolved under the White Plains magistrate Judges' standard Discovery Order. The existence of a discovery dispute will not result in any extension of the discovery deadline or trial-ready date.

10. This scheduling order may be altered or amended only on a showing of good cause not foreseeable at the time this order is entered. Counsel should not assume that extensions will be granted as a matter of routine.

11. Counsel must confer about the prospect of consenting to the jurisdiction of the designated Magistrate Judge for all purposes, including trial, pursuant to 28 U.S.C. §636(c). If the parties consent, then all proceedings, including trial, will take place before the designated Magistrate Judge. Consent forms for this purpose are available on the Court's website, and consent may occur at any time during the proceedings.

Dated: White Plains, New York
March 24th, 2008

SO ORDERED

THE HON. MARK D. FOX
U.S. MAGISTRATE JUDGE